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8 *Michael Koehn, and Georges-Pele Taino*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 LANCE REBERGER,

12 Plaintiff,

13 v.

14 MICHAEL KOEHN, et al.,

15 Defendants

Case No. 3:15-cv-00468-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS**

16 Defendants, Romeo Aranas, Gloria Carpenter, Dante Famy, Dawn Jones, Michael Koehn, and
17 Georges-Pele Taino by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada,
18 and Benjamin R. Johnson, Deputy Attorney General, hereby move this Court for an enlargement of time
19 to serve their responses and/or objections to Plaintiff's discovery requests. This Motion is based on the
20 following Memorandum of Points and Authorities and all papers and pleadings on file herein.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY**

23 On April 25, 2018, Plaintiff served his second request for production of documents. Defendants
24 have been attempting to compile the requested documents that are available but need additional time to
25 gather responses. Defendants request an additional fourteen days, up to and including June 12, 2018 to
26 serve responses.

27 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:
28

1 When an act may or must be done within a specified time, the court may,
2 for good cause, extend the time: (A) with or without motion or notice if
3 the court acts, or if a request is made, before the original time or its
4 extension expires; or (B) on motion made after the time has expired if the
5 party failed to act because of excusable neglect.

6 The proper procedure, when additional time for any purpose is needed, is to present a request for
7 extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
8 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
9 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
10 F.R.D. 268 (N.D. Ohio 1947).

11 Defendants seek an enlargement of time to serve responses to discovery. Good cause exists to
12 extend the time to file this motion. The Ely State Prison Warden's office is working with counsel's
13 office to gather any responsive documents but need a short extension of time to respond, up to and
14 including, June 12, 2018.

15 II. CONCLUSION

16 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
17 granted and the deadline for serving discovery responses be extended to June 12, 2018.

18 DATED this 29th day of May, 2018.

19 ADAM PAUL LAXALT
20 Attorney General

21 By: Benjamin R. Johnson
22 BENJAMIN R. JOHNSON
23 Deputy Attorney General
24 State of Nevada
25 Bureau of Litigation
26 Public Safety Division

27 *Attorneys for Defendants*

28 APPROVED AND SO ORDERED:

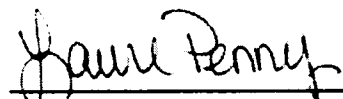
Salvatore J. Cooke
U.S. MAGISTRATE JUDGE

DATED: May 30, 2018
2

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of May, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**, to the following:

Lance Reberger #39494
Ely State Prison
P. O. Box 1989
Ely, NV 89301



An employee of the
Office of the Attorney General